IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

SUMMONS FOR JUDGMENT NO.489 OF 2006
IN
SUMMARY SUIT NO.2390 OF 2006

Standard Chartered Bank. ...Plaintiff.
Vs.
Eben Trade Impex Pvt. Ltd. ...Defendant.
....
Mr.Zubin Beharamkamdin with Mr. Vivek Vashi i/b. M/s. Amarchand & Mangaldas & Suresh A. Shroff & Co. for the Plaintiff.
Mr.Prateek Sakhseria with Mr. Vivek Kantawala for the Defendant.
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CORAM : DR.D.Y.CHANDRACHUD, J.
4th May 2007.

P.C.:

Counsel appearing on behalf of the Defendant has stated that the same four defences which have been urged in respect of Summons for Judgment 371 of 2006 are urged in these proceedings. Reasons have already been furnished in the order passed in Summons for Judgment 371 of 2006 for rejecting the defences, save and except on the question of interest.

For the reasons already indicated, the Defendant has absolutely no defence to the suit in so far as the claim for the principal sum due under the Bills of Exchange is concerned.

However, with a view to affording the Defendant an opportunity to contest the suit as regards the claim for the principal sum due, it would be appropriate and proper to grant leave to defend to the Defendant subject to a condition of deposit of the principal amount of the Bills. Having regard to the nature of the defence on the issue of interest, unconditional leave to defend is grant confined to the claim for interest. Hence the following order:

(i) Conditional on the Defendant depositing the equivalent in Indian rupees of an amount corresponding to US $ 47,600.00 (being the principal amount due under the Bills) within a period of eight weeks from today, the Defendant would be entitled to leave to defend the suit in so far as the claim to the principal amount due under the Bills is concerned;

(ii) Upon deposit of the aforesaid amount, the Plaintiff would be entitled to withdraw the amount so deposited, subject to furnishing solvent security to the satisfaction of the Prothonotary & Senior Master;

(iii) In the event that the Plaintiff fails to furnish solvent

security to the satisfaction of the Prothonotary & Senior Master within 12 weeks from the date of deposit, the amount shall be invested in a Nationalized Bank to abide by the result of the suit;

(iv) The Defendant is granted unconditional leave to defend the suit on the question of interest.

The Summons for Judgment is disposed of.

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